HON'BLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE G.V. SEETHAPATHY

WRIT APPEAL No. 2513 OF 2005

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Between:

Polipaka Yadagiri

……Appellant/Petitioner

And

The Superintendent,
CKM Government Maternity
Hospital, Matwada, Warangal
and two others

……Respondents/Respondents

:: JUDGMENT ::

Counsel for the Appellant : Sri G. Tuhin Kumar

Counsel for Respondent Nos.1 to 3 : Government Pleader for
Medical, Health and
Family Welfare

Dated: 05-06-2006

Per G.S. SINGHVI, CJ

This appeal is directed against order dated 09-12-2005 passed by the learned Single Judge in Writ Petition No.26396 of 2005 whereby he gave ten days time to the appellant to remove the shop situated in C.K.M Government Maternity Hospital, Matwada, Warangal with liberty to the respondents to recover the arrears of rent from him.

The appeal was admitted on 15-2-2006 and an interim order was passed requiring the appellant to pay rent of the shop @ Rs.1,000/- per month. This direction was given keeping in view the fact that the respondents had reduced the rent of a similar shop belonging to Sri Ch. Yadaiah situated in Government Maternity Hospital, Hanamkonda.

Learned Government Pleader says that he has been instructed by the departmental authorities to make a statement that the rate of the rent payable by the appellant has been reduced from Rs.5,000/- to Rs.1,000/- per month as was done in the case of Sri Ch. Yadaiah. He further says that the shop in question will be allotted for a period of two years after following the prescribed procedure and, till then, the petitioner will be allowed to continue to occupy the shop.

Learned counsel for the appellant says that his client is satisfied with the decision taken by the Government to reduce the rate of rent and allow him to continue to occupy the shop till it is allotted after following the prescribed procedure.

In view of the statements made by the learned counsel for the parties, the appeal is disposed of as infructuous. The appellant shall pay the arrears of rent, if any, as early as possible but latest by August 31, 2006.

While disposing of the appeal in the manner indicated above, we make it clear that if the appellant is not successful in the tendering process, then he shall have to handover vacant possession of the site to the hospital authorities.

As a sequel to the disposal of the appeal, WAVMP No.639 of 2006 filed for vacating the interim order dated 26-12-2005 is disposed of as infructuous.

G.S.SINGHVI, CJ

G.V. SEETHAPATHY, J

05-06-2006
ks/svs